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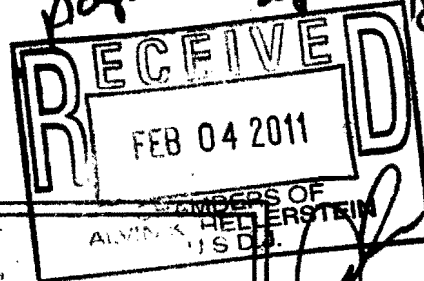
**Metropolitan Transportation Authority**  
State of New York

BY FACSIMILE

February 4, 2011

Hon. Alvin K. Hellerstein  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

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The def'ts in these  
actions may move to  
be dismissed. Opp'n  
papers will be due one week  
after the motion is  
filed.

2-8-11

Re: *In Re World Trade Center Lower Manhattan Disaster Site Litigation* (21 MC 102 (AKH) and 21 MC 103 (AKH)); *Czerwinski v. MTA et al.* (08 CV 6805); *Dul v. NYC Dept. of Transportation, et al.* (08 CV 9065); *Espinoza v. MTA, et al.* (08 CV 9720); *Krysiuk v. NYC Dept. of Transportation, et al.* (08 CV 6804); *Kurkowski v. MTA, et al.* (06 CV 5290); *Maksimiuk v. Battery Park City Authority, et al.* (06 CV 05291); *Mierzejewski v. Battery Park City Authority, et al.* (06 CV 1513); *Niewojt, as Administrator of Slawomir Lejtman, Deceased v. NYC Dept. of Transportation, et al.* (08 CV 5709); *Peryzynska v. MTA, et al.* (06 CV 5345); *Sienkiewicz v. NYC Dept. of Transportation, et al.* (10 CV 6711); *Socha v. Battery Park City Authority, et al.* (09 CV 0680); *Vynar v. NYC Dept. of Transportation, et al.* (08 CV 6809); *Wadja v. Battery Park City Authority, et al.* (05 CV 06269); *Welenc v. MTA, et al.* (08 CV 6806)

Dear Judge Hellerstein:

I am writing on behalf of the Metropolitan Transportation Authority ("MTA") and its affiliates and subsidiaries, including the New York City Transit Authority ("NYCT"), the Triborough Bridge and Tunnel Authority ("TBTA") and MTA Capital Construction ("MTACC").

On September 15, 2010, the MTA received from the law firm of Gregory J. Cannata & Associates in each of the above-referenced cases a Summons and Initiating Complaint purporting to have been served pursuant to Case Management Order No. 4, dated June 29, 2007, issued by Your Honor. NYCT, TBTA and MTACC, respectively, are also named as defendants in certain of the initiating complaints.

Upon review of the Court's docket and applicable case management orders, MTA learned that a Master Complaint and First Amended Complaint had been filed in these actions, and that neither the MTA nor any of its affiliates or subsidiaries (collectively, the "Authorities"), including NYCT, TBTA and MTACC, have been added as defendants in either pleading. In addition,

The agencies of the MTA

MTA New York City Transit  
MTA Long Island Rail Road

MTA Long Island Bus  
MTA Metro-North Railroad

MTA Bridges and Tunnels  
MTA Capital Construction

MTA Bus Company

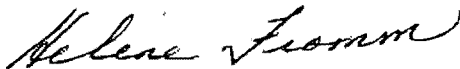
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despite the requirements of Case Management Orders No. 4 and 5, neither the MTA nor any of the Authorities have been served with a check-off complaint within the mandated 30-day period in any of the actions.

Because plaintiffs have not moved to amend the Master Complaint or the First Amended Master Complaint to add any of the Authorities as defendants, nor served the Authorities with check-off complaints as required by the Court's order and as they represented they would in the initiating complaints, it is the position of the Authorities that they have not been made parties to any of these actions and should not be required to appear in these actions. We so advised plaintiffs' counsel. Plaintiffs' counsel, however, stated in response that the Court in the interim has indicated that certain prior case management orders are not necessarily controlling and that other pleadings procedures, of which the Authorities are unaware, are now being followed.<sup>1</sup> We have also since learned that, by order, dated February 2, 2011, the Court stayed until July 2011 all proceedings, other than certain discovery, in the 21 MC 102 Master Calendar, and, as applicable, the 21 MC 103 Master Calendar.

As the Authorities have not been involved in these proceedings since their commencement, we would welcome a conference with the Court to clarify the governing procedures in these matters.

Respectfully,



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cc: Robert Grochow, Esq.  
John Abili, Esq., MTACC  
Cindy Dugan, Esq., TBTA  
Brigid Laughlin, Esq., NYCT

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<sup>1</sup> In an excess of caution, the Authorities had previously contacted plaintiffs' counsel, who agreed, to extend any required response to the initiating complaints to February 4, 2011.